

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

C.C., through his natural mother and )  
guardian, MELANIE GINNEVER, )  
Plaintiff(s), )  
v. )  
SUZUKI MANUFACTURING OF )  
AMERICA CORPORATION, et al., )  
Defendant(s). )

No. 4:16CV01271 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendants Suzuki Manufacturing of America Corporation and Suzuki Motor Corporation's Motion to Use Exemplar ATV at Trial [252]. In their motion, Defendants' request that the Court allow Defendants to use a 2013 Suzuki KingQuad ATV visible to jurors in the courtroom during trial.

The Court permits a 2013 Suzuki KingQuad ATV to be brought into the courtroom for viewing exclusively during opening statements. The ATV must have a cover that ensures that no part of the machine is visible until the Court orders the cover removed. At no time may the ATV be in the Courthouse without this cover. The Court will only permit the ATV to be brought into the courtroom and the cover to be removed immediately prior to opening statements.

Immediately following opening statements the cover must be placed on the ATV and the ATV must be taken out of the courtroom and back to floor 1M.

During opening statements, Jurors will be able to view the ATV from the jury box but will not be permitted to touch or view the ATV up-close. Any warning sticker or placard located

on the ATV must be entirely covered and out of view from the jury during the entire time the ATV is visible to the jury.

Defendant shall be responsible for any damages which occur to the courtroom or Courthouse including but not limited to damages from leaking lubricants and scratches to any courthouse surface. All costs associated with any damage shall be the responsibility of Defendants.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants Suzuki Manufacturing of America Corporation and Suzuki Motor Corporation's Motion to Use Exemplar ATV at Trial [ECF No. 252] is **GRANTED, in part, and DENIED, in part.**

Dated this 26th Day of September, 2018.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE